SENATE JOURNAL

JANUARY 27, 2006

TWELFTH DAY

MORNING SESSION

The Senate was called to order at 10:20 a.m., with President John Valentine presiding.

Prayer – JoAnn Seghini, Mayor of Midvale City
Pledge of Allegiance – Senator Scott McCoy
Roll Call – All Senators present except Senators Hatch and Buttars, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 9)

Senator Stephenson moved to spread the words of Mayor Shighini's prayer upon the pages of the Senate Journal.

PRAYER BY JOANN SEGHINI

Our Dear and Loving God,

We come before you at the opening of this session of the Utah State Senate. We share many beliefs and attributes. We recognize that, as government, we are part of the greatest constitutional republic that has ever been conceived. This republic is based on the principles of freedoms for all people, rising from the choice and voice of those people. Government exists to protect those freedoms. Help us to remember that we are the representatives of the governed. Our task is difficult. Our job is not to define freedom, rather, it is to support the laws of nature and nature's God as defined in the Bill of Rights and our constitution. We are asked to protect each person's life, liberty, and right to pursue happiness. It is important to protect each person's right to enjoy the fruits of his or her own labors. They, as the people, have the protected right to express their own sentiments, to defend their nation, and to live their lives according to their conscience.

Help us, as elected officials while in the public square, to work for the welfare of the people. Discussions, in that public square, must seek solutions through civil discourse designed to find common ground and to support the common good. Our founders have described out responsibilities as coming from you, the supreme

source and our Creator. It is our responsibility to remember that ours, then, is a solemn duty as we work as one nation, one state, one community, under God's direction.

We are called public servants, Hence, we are called to serve. Help us make decisions with equal concern for the powerful and the powerless. Let our work reflect the higher purpose to which we are called. Let us remember that our service is to preserve those principles that represent our government and direct us to protect the freedom of all people while we serve those who have chosen us to be their protectors.

Dear God, we pray for your direction and thank you for your love. Amen

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2006

The House passed, as substituted and amended, **H.B. 109**, SALES AND USE TAX – FOOD AND FOOD INGREDIENTS AND TAX RATES, by Representative M. Newbold, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. **H.B. 109** was read the first time and referred to the Rules Committee.

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Mr. President:

January 26, 2006

The House passed, as amended, **S.B. 3**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 26, 2006

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 76 Lenders Registration Acts Amendments (Sen. E. Mayne)
S.B. 162 Department of Financial Institutions Enforcement of

Applicable Law (Sen. L. Hillyard)

Government Operations/Political Subdivisions Committee			
S.B. 66	Price Controls During Emergencies Amendments		
	(Sen. P. Arent)		
S.B. 77	Classification and Inspection of Records Under Grama		
	(Sen. M. Madsen)		
S.B. 105	County Officer Revisions (Sen. C. Walker)		
H.B. 258	Government Records Access and Management Act –		

Public Records (Rep. B. Ferry)

Judiciary, Law Enforcement, Criminal Justice Committee

S.B. 173 Licensure of Programs and Facilities – Criminal Background Check Amendments (Sen. T. Hatch)

Natural Resources, Agriculture, and Environment Committee

S.B. 177 Water Right Application Amendment (Sen. T. Hatch)

Revenue and Taxation Committee

S.B. 64	Legislative Compensation Commission Amendments
	(Sen. G. Bell)
S.B. 102	Gifts to Public Officials (Sen. G. Bell)
S.B. 175	Correctional Facility Bidding Process (Sen. H.
	Stephenson)
S.J.R. 7	Joint Rules Resolution Amending Legislative Expenses
	(Sen. G. Bell)
H.B. 52	Sales and Use Tax Exemption for Transportation
	(Rep. W. Harper)
H.B. 101	Lobbyist Gift Limits and Disclosure (Rep. J. Alexander)

Transportation/Public Utilities/Technology Committee

S.B. 180 Motor Vehicle Lease Agreements (Sen. M. Madsen)

Michael Waddoups Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

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On motion of Senator Waddoups the Senator voted to lift **S.B. 42** from the Business and Labor Committee and assign it to the Health and Humans Services Committee and to lift **S.B. 170** from the Government Operations/Political

Subdivisions Committee and assign it to the Business and Labor Standing Committee.

STANDING COMMITTEE REPORTS

Mr. President: January 26, 2006

The Business and Labor Committee reports a favorable recommendation on **S.B. 71**, CONSUMER CREDIT PROTECTION, by Senator C. Walker; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 123**, UTAH CONSUMER CREDIT CODE AMENDMENTS, by Senator P. Knudson; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 147**, DIVISION OF CONSUMER PROTECTION AMENDMENTS, by Senator D. Eastman.

Scott K. Jenkins, Chair

Mr. President:

January 26, 2006

The Health and Human Services Committee reports a favorable recommendation on **S.B. 94**, AMENDMENTS TO UTAH COMPREHENSIVE HEALTH INSURANCE POOL, by Senator G. Davis; and

The Health and Human Services Committee reports a favorable recommendation on **S.R. 3**, RESOLUTION URGING PARTICIPATION BY TAIWAN IN WORLD HEALTH ORGANIZATION, by Senator C. Bramble, et al.

Allen M. Christensen, Chair

On motion of Senator Knudson, the committee reports were adopted. **S.B. 71**, **S.B. 123**, **S.B. 147**, **S.B. 94**, and **S.R. 3**were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

- **S.B. 78**, **Alternative School Building Plans** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.
- **S.B. 79**, **Uniform Debt–management Services Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 88**, **Disclosure of Driver License Records** (M. Madsen), read the first time by short title and referred to the Rules Committee.
- S.B. 89, Sales and Use Tax Attachment of Tangible Personal Property to Real Property (H. Stephenson), read the first time by short title and referred to the Rules Committee.

- **S.B. 90, Homeowners Association Provisions** (J. Hickman), read the first time by short title and referred to the Rules Committee.
- **S.B. 182, Direct Sales Amendments** (M. Madsen), read the first time by short title and referred to the Rules Committee.
- S.B. 183, Utah Emergency Medical Services Act Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.
- **S.B. 184**, **Criminal Identity Fraud Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.
- **S.B. 185**, **Drug Offender Reform Act Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.
- **S.B. 186**, **Revocation of Death Benefits by Divorce** (K. Hale), read the first time by short title and referred to the Rules Committee.
- **S.B. 187**, **Science and Technology Education Program** (P. Knudson), read the first time by short title and referred to the Rules Committee.
- **S.B. 188, Private Investigator Regulation Act Amendments** (P. Hellewell), read the first time by short title and referred to the Rules Committee.
- **S.C.R. 3**, **Concurrent Resolution Honoring America's Military War Dogs** (E. Mayne), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 93, BOILER AND ELEVATOR SAFETY PROVISIONS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Evans
Fife	Goodfellow	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars Hatch

S.B. 93 was transmitted to the House for consideration.

THIRD READING CALENDAR

S.B. 45, OIL AND GAS CONSERVATION ACCOUNT AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Evans
Fife	Goodfellow	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars Hatch

S.B. 45 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Dmitrich, the circle was removed from **S.B. 36**, SCHOOL DISTRICTS – LIMITED AMENDMENTS TO TRUTH IN TAXATION, and it was before the Senate. Senator Dmitrich explained the bill. Senator Goodfellow commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Evans
Fife	Goodfellow	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars Hatch

* * *

On motion of Senator Thomas, the circle was removed from **S.B. 103**, PROHIBITION OF CONTINGENT FEES FOR EXPERT WITNESSES, and it was before the Senate.

On motion of Senator Thomas, the following substitute bill replaced the original bill.

1st Sub. S.B. 103 Prohibition of Contingent Fees for Expert Witnesses (D. Thomas)

On motion of Senator Thomas, the bill was circled.

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1st Sub. S.B. 50, JAIL FUNDING AMENDMENTS, was read the second time. Senator Thomas explained the bill. Senators Bramble, Stephenson, Hillyard, Peterson, Goodfellow, Hickman, and Evans commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Evans
Fife	Goodfellow	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker		

Voting in the negative was: Senator

Valentine

Absent or not voting were: Senators

Buttars Hatch

TIME CERTAIN CALENDAR

S.B. 16, CIVIL ANTITRUST AMENDMENTS, was read the third time and explained by Senator Hillyard.

Senator Bell proposed the following amendment:

1. Page 4, After Line 107, insert

(11) In any action brought under this act, the court shall approve all attorney's fees and arrangements for the payment of attorney's fees, including contingency fee agreements.

Day 12

Senator Bell's motion to amend passed on a voice vote. Senator Thomas declared a conflict of interest. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Evans
Fife	Goodfellow	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Valentine		

Absent or not voting were: Senators

Buttars Hatch Walker

S.B. 16, as amended, was transmitted to the House for consideration.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Utah Attorney General Mark Shurtliff spoke in Committee of the Whole.

On motion of Senator Hillyard, the Committee of the Whole was dissolved.

SECOND READING CALENDAR

1st Sub. S.B. 55, ELECTION REFORM, was read the second time. Senator Mansell explained the bill.

On motion of Senator Mansell, the following substitute bill replaced the original bill.

2nd Sub. S.B. 55 Election Reform (L. A. Mansell)

Senators McCoy, Madsen, Walker, Waddoups, Bell, Arent, and Fife commented.

Senator McCoy proposed the following amendment:

- 1. Page 11, Line 321:
 After "based on" insert "a candidate's"
- 2. Page 11, Line 322:
 After "origin," insert "sexual orientation,"

Senator McCoy's motion to amend passed on a voice vote. Senator Walker declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Evans
Fife	Goodfellow	Hale	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Madsen	Mansell	Mayne	McCoy
Peterson	Stephenson	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars Hatch Killpack

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 27, 2006

The House passed, **S.B. 14**, INSURANCE DEPARTMENT – SUNSET AMENDMENTS AND REVISIONS, by Senator S. Jenkins, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 14 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

January 27, 2006

The House passed **H.B. 41**, PRESERVATION OF AND ACCESS TO STATE PUBLICATIONS, by Representative M. Noel, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 41** was read the first time and referred to the Rules Committee.

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On motion of Senator Knudson and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, January 30, 2006.

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	Committee report adopted and praced on carcindar
S.I.R. 3 — INTERI	IM RULES RESOLUTION – QUORUM REQUIREMENTS (M. Waddoups)
DIVIZIO INTERIO	Read the first time by short title and referred to the Rules Committee
	Placed on calendar 33
	Read the second time
	Read the third time
	Transmitted to the House
	Signed by the Fresident and transmitted to the Governor
SIR 4 INTERI	IM RULES RESOLUTION – COMMITTEE POWERS (M. Waddoups)
S.J.IC. 4 INTERC	Read the first time by short title and referred to the Rules Committee
	Placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House 66 Signed by the President and transmitted to the Governor 214
	Signed by the President and transmitted to the Governor
S.J.R. 5 — JOINT	RESOLUTION CONDEMNING USE OF TORTURE (S. McCoy) Read the first time by short title and referred to the Rules Committee. 22 Assigned to standing committee
S.J.R. 6 — RESOL	UTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES (M. Waddoups) Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Placed on calendar
	Read the second and third time
S.J.R. 7 — JOINT	RULES RESOLUTION AMENDING LEGISLATIVE EXPENSES (G. Bell) Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
S.J.R. 9 — RESOL	UTION RECOGNIZING RIGHT TO PARTICIPATE IN RELIGIOUS EXPRESSIONS
DIDIZET > TELEGOL	IN PUBLIC SCHOOLS (P. Hellewell)
	Read the first time by short title and referred to the Rules Committee
S.R. 1 — SENATE	RULES RESOLUTION – CONSENT CALENDAR AMENDMENTS (M. Waddoups)
	Read the first time by short title and referred to the Rules Committee
	Placed on calendar 33 Read the second time 44
	Circled
	Uncircled
	Read the third time
S.R. 2 RESOLU	TION ENCOURAGING UTAH SCHOOLS TO EDUCATE CHILDREN REGARDING RISKS OF SUN
J.L. Z REDOLO	EXPOSURE (P. Arent)
	Read the first time by short title and referred to the Rules Committee
S.R. 3 — RESOLU	TION URGING PARTICIPATION BY TAIWAN IN WORLD HEALTH ORGANIZATION (C. Bramble)
	Read the first time by short title and referred to the Rules Committee. 163 Assigned to standing committee . 184
	Assigned to standing committee 184 Committee report adopted and placed on calendar